



REGISTRAR OF REGULATIONS

08 OCT 16 AM 11:07

COMMONWEALTH of VIRGINIA

Department of Health DIVISION OF SHELLFISH SANITATION

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Richmond, VA 23219

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NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 041-212, LOWER EAST RIVER

EFFECTIVE 28 OCTOBER 2008

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 041-212, Lower East River," effective 29 October 2007 is cancelled effective 28 October 2008.
2. Shellfish Condemnation Area Number 041-212, shown as Sections A and B, is hereby established effective 28 October 2008. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Lower East River, Condemned Shellfish Area Number 041-212, 28 October 2008" which is part of this notice.
3. Seasonally Condemned Shellfish Area Number 041-212, shown as Sections M1, M2 and M3, is hereby established effective 28 October 2008, for the period October 28, 2008 through October 31, 2008, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It shall be unlawful for any person, firm or corporation to take shellfish from these areas during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.2-810 of the *Code of Virginia*. The boundaries of this section are shown on the map titled "Lower East River, Condemned Shellfish Area Number 041-212, 28 October 2008" which is part of this notice.
4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

BOUNDARIES OF CONDEMNED AREA NUMBER 041-212

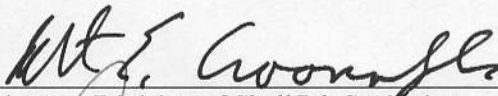
- A. The condemned area shall include that portion of Weston Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°23'38.4", -76°19'50.3") and map coordinate (37°23'34.2", -76°19'47.4").
- B. The condemned area shall include that portion of Thomas Creek lying upstream of a line drawn between latitude/longitude map coordinate (37°23'24.0", -76°20'40.1") and map coordinate (37°23'23.3", -76°20'37.9").



www.vdh.virginia.gov/shellfish

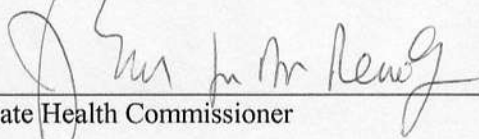
- M1. The seasonally condemned area shall include all of the unnamed tributary north of Whites Creek lying upstream of a line drawn between latitude/longitude map coordinate (37°22'46.7", -76°20'41.8") and map coordinate (37°22'40.0", -76°20'43.6").
- M2. The seasonally condemned area shall include that portion of the unnamed tributary south of Miles Creek lying upstream of a line drawn between latitude/longitude map coordinate (37°23'57.2", -76°20'58.3") and map coordinate (37°24'03.7", -76°21'05.3"), as well as downstream of a line drawn between map coordinate (37°24'01.2", -76°21'12.1") and map coordinate (37°24'01.6", -76°21'08.5").
- M3. The seasonally condemned area shall include all of the unnamed tributary north of Miles Creek lying upstream of a line drawn between latitude/longitude map coordinate (37°24'22.2", -76°21'04.6") and map coordinate (37°24'24.4", -76°21'05.0").

Recommended by:



Director, Division of Shellfish Sanitation

Ordered by:

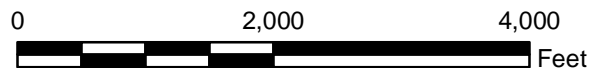




State Health Commissioner

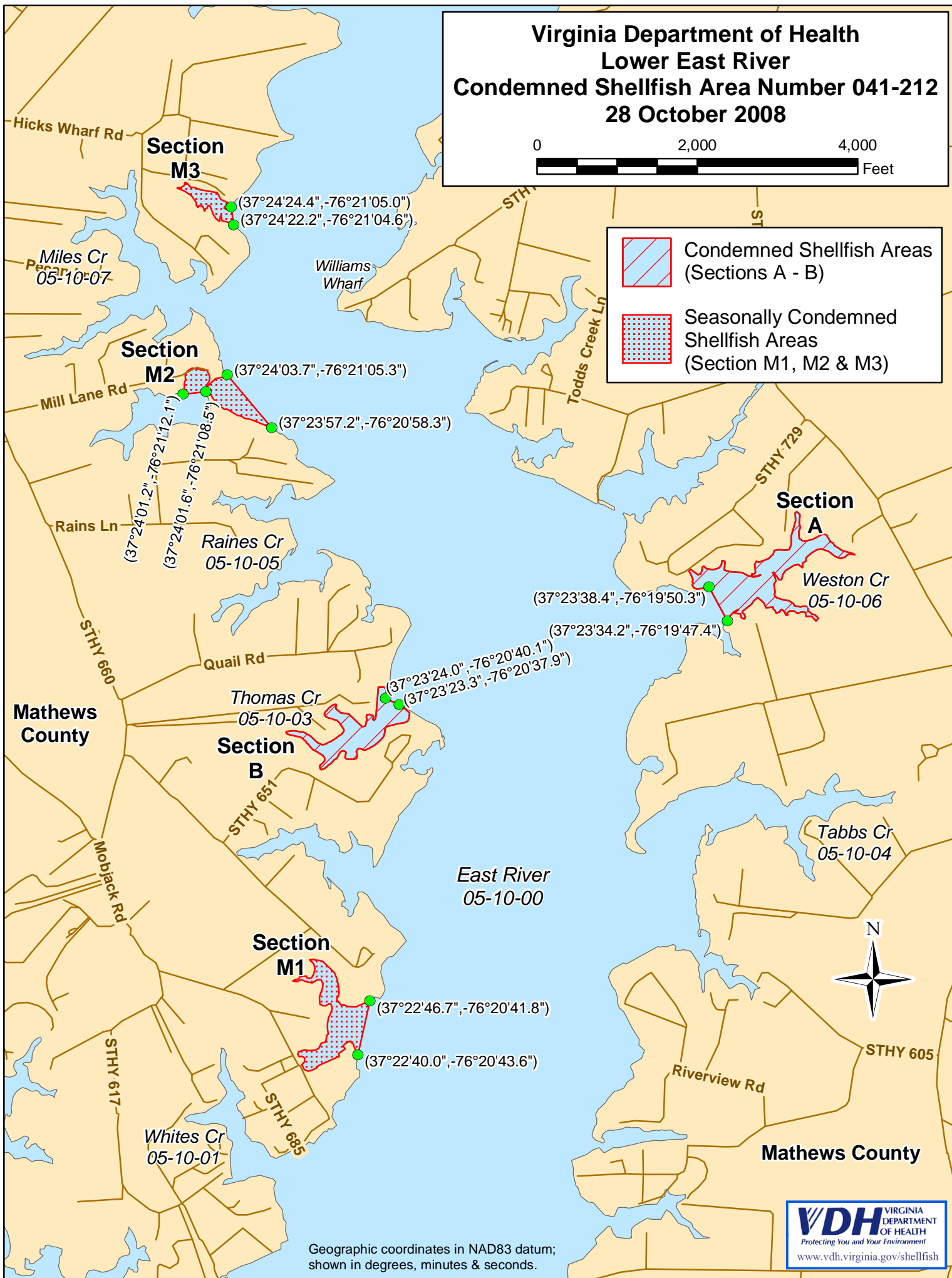
10/15/08

Date

**Virginia Department of Health
Lower East River
Condemned Shellfish Area Number 041-212
28 October 2008**



-  Condemned Shellfish Areas
(Sections A - B)
-  Seasonally Condemned
Shellfish Areas
(Section M1, M2 & M3)



Geographic coordinates in NAD83 datum;
shown in degrees, minutes & seconds.